

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10358-RWZ

YANCE CALHOUN

v.

UNITED STATES OF AMERICA

ORDER

June 27, 2005

ZOBEL, D.J.

Petitioner was sentenced in 1993 to a period of imprisonment of 188 months, the low end of the applicable Guideline range. He seeks relief from the remaining portion of the sentence on the ground that the entire sentence is illegal in light of the Supreme Court's recent decision in United States v. Booker, —U.S.—, 125 S. Ct. 738 (2005). Although his appointed counsel argues valiantly and imaginatively that Booker may be applied retroactively, the First Circuit has effectively closed that door. Cirilo-Munoz v. United States, 404 F.3d 527 (1st Cir. 2005).

The petition is denied.

DATE

/s/ Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE